

PATENT APPLICATION

**FILING UNDER 37 CFR §1.312
EXPEDITED PROCEDURE
TECHNOLOGY CENTER ART UNIT 1657**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Josep Vicent MERCADER BADIA et al.

Application No.: 10/551,989

Filed: October 4, 2005

ATTN: OFFICE OF PUBLICATIONS

Notice of Allowance Mailed 11/13/2009 -
Batch/Confirmation No. 6481

Group Art Unit: 1657

Examiner: L. HOBBS

Docket No.: 125291

For: METHOD FOR DETECTING AND/OR IDENTIFYING BACTERIA PRESENT IN A
SAMPLE

**REQUEST FOR ACKNOWLEDGEMENT OF
RECEIPT OF PRIORITY DOCUMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the November 13, 2009 Notice of Allowability and the December 22, 2009 Telephone Interview with Examiner Hobbs, reconsideration of the statement that priority document FR 0304262 has not been received is respectfully requested in light of the following remarks.

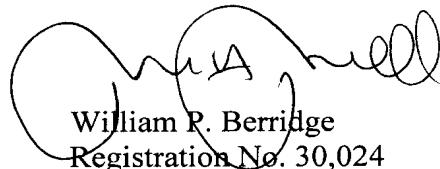
Priority to FR 0304262, filed April 7, 2003, was properly claimed in the October 4, 2005 Application Data Sheet for the above-identified application. Furthermore, as discussed during the telephone interview, attached are three documents generated by the U.S. Patent and Trademark Office that specifically acknowledge receipt of the priority document in this

application. Thus, the November 13, 2009 Notice of Allowability should have acknowledged receipt of the certified copy of the priority document from the International Bureau. For reference purposes, a copy of the foreign priority document is attached.

Accordingly, as agreed upon during the telephone interview, Applicants respectfully request that the U.S. Patent and Trademark Office acknowledge receipt of the priority document by issuing a Supplemental Notice of Allowability that acknowledges Applicants' claim for foreign priority under 35 U.S.C. §119(a)-(d) or (f) and acknowledges receipt of the priority document.

The Examiner is requested to contact the undersigned at the telephone number below if anything further would be desirable in order to issue a Supplemental Notice of Allowability including acknowledgment of the claim for priority and receipt of the certified copy of the priority document.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Rodney H. Rothwell, Jr.
Registration No. 60,728

WPB:RHR/rhr

Attachments:

U.S. National Stage Worksheet
Notice of Acceptance of Application
Notification of Missing Requirements
Copy of priority document FR 0304262

Date: December 23, 2009

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry of this filing; Charge any fee due to our Deposit Account No. 15-0461

U.S NAT

1ST STAGE WORKSHEET

(EO)

U.S. APPL. NO.

10/551989

INTERNATIONAL APPL. FR 04/050140

APPLICATION FILED BY: 20 MOS.

OR 30 MOS. X

SCREENED BY

INTERNATIONAL APPLICATION PAPERS IN THE APPLICATION FILE:

International application
 Article 19 amendments
 Priority Document(s) No. /
 Request Form PCT/RO/101
 PCT/IB/302
 PCT/IB/304
 PCT/IB/306
 PCT/IB/308
 PCT/IB/331
 OTHER PCT/IB/
 PCT/IPEA/409 also 416

409 annexes to IPER
 PCT/ISA/210 (Search report)
 Search report References
 Other Papers filed

WIPO PUBLICATION
 PUBLICATION NO. WO 04/109240
 PUBLICATION DATE 14 OCT 2004
 PUBLICATION LANG. ENGLISH
 NOT PUBLISHED
 U.S. only Requested

BEST AVAILABLE COPY

RECEIVED FROM THE APPLICANT: (other than checked above)

International application basic fee paid
 Filing Processing Requested
 Translation of the International Application
 of the IB copy of the IA
 Description
 Claims
 Drawings 5
 Non Language in drawing
 do 19 Amendments
 Amendment used in application
 do 34 Amendment
 Amendment used in application
 transaction done

Preliminary Amendment(s) filed 04 OCT 2005
 second submission
 Information Disclosure Statement 14 DEC 2004
 second submission
 Assignment
 Forward to Assignment Branch
 Substitute Specification
 Small Entity Statement
 type
 Oath/Declaration (date submitted) 04 OCT 2005
 Not executed
 Executed
 Power of Attorney 14 DEC 2004
 Change of Address

data sheet

Receipt of Request (P.T.O. - 1399 Transmittal Letter)	04 OCT 2005
Acceptable oath/declaration received	04 OCT 2005
Date	04 OCT 2005
Complete 35 USC 371 requirements met	04 OCT 2005
DATE NOTICE COMPLETED	
203 Notice of Acceptance	
205 Notice of Missing Requirements	
212 Notice of A defective oath or declaration	
216 Notice of defective response	

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/551,989	Bruno Colin	125291
INTERNATIONAL APPLICATION NO.		
PCT/FR04/50140		
I.A. FILING DATE	PRIORITY DATE	
04/02/2004	04/07/2003	
CONFIRMATION NO. 6481		
371 FORMALITIES LETTER		
OC000000019981067		

Date Mailed: 08/11/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 10/04/2005
- Copy of the International Search Report filed on 10/04/2005
- Preliminary Amendments filed on 10/04/2005
- Information Disclosure Statements filed on 12/14/2005
- Oath or Declaration filed on 10/04/2005
- U.S. Basic National Fees filed on 10/04/2005
- Priority Documents filed on 10/04/2005
- Power of Attorney filed on 12/14/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Processing fee of \$130 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 for English translation surcharge required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/551,989	Bruno Colin	125291
INTERNATIONAL APPLICATION NO.		
PCT/FR04/50140		
I.A. FILING DATE	PRIORITY DATE	
04/02/2004	04/07/2003	
CONFIRMATION NO. 6481		
371 ACCEPTANCE LETTER		
 OC00000020912973		

Date Mailed: 10/25/2006

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

<u>10/04/2005</u>	<u>10/07/2005</u>
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

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- Copy of the International Search Report filed on 10/04/2005
- Preliminary Amendments filed on 10/04/2005
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- Assignment filed on 10/04/2005
- Priority Documents filed on 10/04/2005
- Power of Attorney filed on 12/14/2005
- Specification filed on 10/04/2005
- Claims filed on 10/04/2005